

REMARKS

This response is offered in reply to the Office Action of July 7, 2003. A petition and fee for a three month time extension are enclosed.

On page 2 of the office action, claims 1 and 2 are rejected under 35 USC 102(b) in view of the Tanaka US Patent 5 516 587.

Pending claims 1 and 2 now relate to a high temperature resistant sealing element wherein the sealing element is formed from a coating material comprising a film-forming binding agent, a solvent for it and a high temperature resistant solid lubricant.

In contrast, the cited '587 patent discloses a friction coating applied to a substrate (e.g. clutch plate) to provide high frictional force, small frictional force fluctuation, and excellent wear resistance. The '587 patent discloses a friction coating that includes phenolic resin as an indispensable coating constituent in an amount that provides a synergistic effect with the other coating constituents to provide an effective friction material after application on the clutch plate (e.g. see column 2, lines 46-48 of the '587 patent). For example, the phenolic resin, as an indispensable coating constituent, is said to provide a higher friction coefficient, higher hardness and higher load carrying capacity than epoxy resin so as to improve the frictional force and load carrying capacity of the coating applied on the clutch plate.

The '587 patent teaches nothing with respect to a high temperature resistant sealing element formed from a coating material comprising a film-forming binding agent, a solvent for it and a high temperature resistant solid lubricant as set forth in claim 1. In Applicant's high temperature resistant sealing element, the film-forming binding agent allows the coating material to be applied to a surface as a film or coating and then may be subsequently removed by thermal decomposition of the binding agent without detrimental effect on the sealing function of the sealing element as described at Applicant's specification page 2, second full paragraph and page 4, third and fourth paragraphs. The '587

patent is utterly silent with respect to Applicant's claimed high temperature resistant sealing element.

Reconsideration of the Section 102(b) rejection of pending claims 1 and 2 is requested.

Also on page 2 of the office action, claims 3-10, 14, and 15 are rejected under 35 USC 102(b) or, alternatively under 35 USC 103(a), in view of the Tanaka US Patent 5 516 587.

As mentioned above, the cited '587 patent discloses a friction coating applied to a clutch plate to provide high frictional force, small frictional force fluctuation, and excellent wear resistance. The friction coating includes phenolic resin as an indispensable coating constituent in an amount that provides a synergistic effect with the other coating constituents to provide an effective friction material after application on the clutch plate (e.g. see column 2, lines 46-48 of the '587 patent).

The '587 patent discloses or suggests nothing with respect to a high temperature resistant sealing element formed from a coating material having the constituents set forth in claims 3-10.

Moreover, the '587 patent fails altogether to disclose or suggest a seal as set forth in claim 14 including one or more metal layers and having one or more sealing elements, wherein the one or more sealing elements are made on one of the surfaces of one of the metal layers from a coating material comprising a film-forming binding agent, a solvent for it and a high temperature resistant solid lubricant.

Moreover, the '587 patent teaches away from Applicant's claimed seal recited in claim 15 wherein the binding agent is thermally decomposed. Instead, the '587 patent discloses a friction coating applied to a clutch plate wherein the phenolic resin comprises an indispensable coating constituent in an amount that provides a synergistic effect with the other coating constituents to provide an effective friction material after application on the clutch plate.

Reconsideration of the Section 102(b) and Section 103(a) rejections of claims 3-10, 14, and 15 is requested.

On page 3 of the office action, claims 11-13 are rejected under 35 USC 101 as being directed to non-statutory subject matter. Applicant has cancelled claims 11-13 without prejudice.

Pending claims 1-15 are believed to be in allowable condition.

Applicant has added new claims 16-20 directed to aspects of the invention not disclosed or suggested by the '587 patent. These claims are believed allowable as well. The Commissioner is authorized to charge the fee for new claims 16-20 to my deposit account No. 20-1124.

Applicant believes the pending claims 1-20 are in condition for allowance, and action to that end is requested.

Respectfully submitted,



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enclosure: Postal card

CERTIFICATE OF MAILING

I hereby certify that this correspondence and enclosures are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450, on December 23, 2003.



Edward J. Timmer